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January 22, 2024

Hon. Michael E. Fabiarz
United States District Court
MLK Jr. Federal Building & U.S. Courthouse
50 Walnut Street, Newark, N.J. 07102

Re: United States v Brian Adjavon
Docket No.: 0312 2:22CR00522-1

Dear Judge Farbiarz:

The Defendant Brian Adjavon should not have received 3 Criminal Points based on his conviction on May 5, 2016, Unlawfully obtain credit card. See Paragraph 207 of the Final Presentence Investigation Report. The Defendant received a term of probation on the charge. Therefore, under USSC 4A1.1, a defendant shall receive 1 point for any sentence not exceeding one year and one month or if it does not exceed sixty days.

The Defendant was assessed 3 Points instead of 1. Therefore, Defendant's total criminal history score should be 3 instead of 5. This significantly changes his sentence and accordingly Defendant would request that the Court sentence him within that respective range.

Respectfully submitted,


Antonio J. Toto, Esq.